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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
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7 UNITED STATES OF AMERICA,) 2:16-cr-00246-GMN-NJK
8)
9 Plaintiff,)
10 vs.) ORDER GRANTING STIPULATION
11) TO EXTEND
12)
13 ROGELIO PAYAN,)
14)
15 Defendant.) (Docket No. 58)
16) (Third request)
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29 **FINDING OF FACTS**

30 This stipulation is entered for the following reasons:

- 31 1. Counsel for Government is presently preparing for trial in the matter of *United*
32 *States v. Kincade, et al*, 2.:15-cr-00071-JAD-GWF that is scheduled to begin on May 23, 2017.
33 The government needs additional time to fully research and prepare a response to the
34 Defendant's Motion.
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36 2. The defendant is out of custody and does not oppose the continuance.
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38 3. The parties agree to the continuance.
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40 4. For the reasons stated above, the ends of justice would best be served by a
41 continuance of the deadline.
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43 **CONCLUSIONS OF LAW**

- 44 5. Additionally, denial of this request for continuance could result in a miscarriage
45 of justice.
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6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and 3161(h)(7) and Title 18, United States Code, Section 3161(h)(7)(A) and (h)(3)(A), when considering the facts under Title 18, United States Code, Sections 3161(h)(7)(B), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

7. This is the third request for a continuance filed herein.

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS HEREBY ORDERED**, that Government's Response to Defendant's Motion to Suppress, currently scheduled for May 17, 2017, be vacated and continued to **May 31, 2017**.

It is also **ORDERED** that the Defendant's Reply, be vacated and continued to June 7, 2017

Dated: May 17, 2017

UNITED STATES MAGISTRATE JUDGE